

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARION R. PENIGAR, )  
                          )  
Plaintiff,            )                   8:05cv448  
                          )  
vs.                    )                   MEMORANDUM AND ORDER  
                          )  
SGT. WELCH, et al., )  
                          )  
Defendants.           )

In an Order to Show Cause, the court gave the plaintiff a deadline to notify the court of any reason he may have why this case should not be dismissed as abandoned. The plaintiff was warned in the Order to Show Cause that, in the absence of a timely and sufficient response, this case would be subject, without further notice, to dismissal without prejudice for lack of prosecution.<sup>1</sup>

There has been no response by the plaintiff, and the deadline has expired. Therefore, the plaintiff's complaint and the above-entitled action are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

August 29, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge

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<sup>1</sup>See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."